SINGLE BENCH

C.S. 1001

(1) (2)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

3237/06
No.....
Presented by Shri A.V. Pandey
29/6/06
Dated.....

WRIT PETITION. NO. 3779 OF 2006

BETWEEN

Vishwanath Ram Sidar S/o Shri Kavitram , aged about 27years, r/o Village Tanger Bahri , Gram Panchayat Harra Dand, Tahsil Kunkuri, District Jashpur Nagar (CG).

PETITIONER

VED-COPY

CLE... TO A. G. BILASPUR
29/6/06

AND

1. The State of Chhattisgarh, Through the Secretary Department of Panchayat , Chhattisgarh, D.K.S. Building, Raipur (C.G.)
2. The Collector , Jashpur (CG).
3. Sub Divisional Officer, (R) Kunkuri ,district Jashpur Nagar (CG).
4. Leyos S/o Siril , by caste Oraon, resident of Village Harradand, Kunkuri, District Jashpur (CG).
5. Alvis Tirki S/o Etwa Tirki, resident of Village Harradand, Tahsil Kunkuri District Jashpur (CG).
6. Phuljens S/o Mangaru, resident of Village Harradand, Tahsil Kunkuri, District Jashpur (CG).

RESPONDENTS

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA

XI-HC-78

(61)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...WP 3779/06... **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

2.8.2006

Smt. Renu Kochar, Advocate for the petitioner.

Shri N.K. Agarwal, Deputy Advocate General for the State on advance copy.

Heard.

By this petition the petitioner has prayed for a direction to respondent No.2 to pass the order within the stipulated time on the point of jurisdiction and to set aside the ex-parte order dated 26.12.2005 (Annexure P-6).

Learned counsel for the petitioner argued that in an election petition, order passed by the Specified Officer in accordance with the Panchayats (Election Petitions, Corrupt Practices and Disqualification for Membership) Rules, 1995 (hereinafter referred to as 'the Rules 1995'), is final and no appeal lies against the order of the Specified Officer passed in election petition, as per Rule 25 of the Rule 1995. Inspite of that, respondent No.2 Collector has entertained the appeal filed by respondent No.4 and passed the ex-parte order 26.12.2005 (Annexure P-6). staying the effect and operation of the order passed by the Specified Officer dated 13.12.2005 (Annexure P-4). She further submits that even reply has been filed by the petitioner herein but respondent No.2 is deliberately not deciding the appeal.

A limited prayer has been made in this petition that respondent No.2-Collector Jashpur be directed to decide the appeal at the earliest,

P.T.O.

XI-HC-78

(62)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

therefore, notices are not being issued to respondent Nos.4 to 6 as the issuance of notice would further delay the proceedings of this writ petition.

As per Rule 25 of the Rules 1995, order passed by the Specified Officer on an election petition is final and no appeal lies against the same, therefore, in the circumstances, respondent No.2 is directed to decide the appeal including on the ground of jurisdiction within a period of 30 days from the date of receipt of copy of this order.

With the direction aforesaid, the petition stands disposed of. Consequently, M.(W.)P. No.2942/06 also stands disposed

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge

Roshan/-

P.T.O.